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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/049,546

06/05/2003

Ernst Kraenzler

1969

7609

7590

08/10/2006

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EXAMINER

CHUKWURAH, NATHANIEL C

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/049,546

Applicant(s)

KRAENZLER ET AL.

Examiner

Nathaniel C. Chukwurah

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE filed on 7/25/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 16-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18 is/are allowed.
- 6) ☒ Claim(s) 16, 17 and 19-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/25/2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 16- 17, 19-20, 22-26 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forderer et al. (US 5,699,865) in view of Dorner et al. (US 5,46,566).

With regard to claim 16, Forderer et al. et al. discloses a power tool with at least one handle (19) which comprises at least one grip part (19) firmly connected to and held at a mounting part (35 , 45) by at least one elastic, vibration-damping element (22), and the grip part affixable to a housing (2), via the mounting part (35 , 45), and the connection between the grip part (19) and the mounting part (35, 45) by means of the elastic element is secured by at least one movable retaining element (50). See (col. 5, line 29).

The reference of Forderer et al. discloses all claimed subject matter but lacks specific teaching of the retaining element firmly connected to a fastening screw located in mounting part.

However, the power tool of Dorner et al. teaches a retaining element (50, 60) firmly connected to a fastening screw (55) located in mounting part (41) for holding the elastic element fixedly to the motor.

In view of the teaching of Dormer et al., it would have been obvious to one skilled in the art at the time of the invention to provide the power tool Forderer et al. with a fastening screw in order to hold the elastic element fixedly to the motor and to prevent transferring vibrations from the motor to the handle unit.

With regard to claim 17, Forderer et al. does not expressly state that the retaining element is flexible. The retaining element (50) is inherently flexible to a degree.

With regard to claim 19, the retaining element (50) is located in the elastic element (22) along a center line ( see Fig. 2).

With regard to claim 20, retaining element (50) is capable of being subjected to tensile stresses and the elastic element (22) is capable of being subjected to compressive stresses.

With regard to claims 22 and 23, the retaining element (50) is formed by a rigid component that is rigidly supported and capable of moving relative to the mounting part (45) and grip part (19).

With regard to claims 24 and 25, the power tool of Forderer et al. discloses all claimed subject matter but lacks specific teaching of the retaining element firmly connected to a fastening screw located in mounting part.

However, the power tool of Dormer et al. teaches a retaining element (50, 60) firmly connected to a fastening screw (55) located in mounting part (41) for holding the elastic element fixedly to the motor.

In view of the teaching of Dormer et al., it would have been obvious to one skilled in the art at the time of the invention to provide the power tool Forderer et al. with a fastening screw in order to hold the elastic element fixedly to the motor and to prevent transferring vibrations from the motor to the handle unit.

With regard to claim 26, the power tool of Forderer et al. includes the retaining element (45) being connected to the grip part (19) via the elastic element (22) and to the mounting part (35) via the elastic element (22).

With regard to claim 28, the power tool of Forderer et al. includes elastic element comprising non-circular cross-section area at least closely before the seating surface (36) of the elastic element (22) for the mounting part (35) and grip part (19) wherein the cross-sectional area is smaller than the seating surface (Fig. 2).

4. Claims 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forderer et al. in view of Raddle et al. (US 5,697,456).

With regard to claim 21, the power tool of Forderer et al. discloses all claimed subject matter but lacks specific teaching of the retaining element formed by a band which encloses the elastic element.

The power of Radle et al. teaches a retaining element (100) formed by a band which encloses the elastic element (96, 98) for protective covering.

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In view of the teaching of Radle et al., it would have been obvious to one skilled in the art at the time of the invention to provide the power tool Forderer et al. with the retaining element formed by a band enclosing the elastic element for protective covering.

With regard to claim 27, the displacement of the elastic element (22) is determined by the retaining element (50) in tilting direction.

***Allowable Subject Matter***

5. Claim 18 is allowed over prior art of record.

The following is a statement of reasons for the indication of allowable subject matter:  
The prior art of record fails to disclose a retaining element formed by a rope.

***Response to Arguments***

6. Applicant's arguments filed 7/25/2006 have been fully considered but they are not persuasive.

With respect to claim 16, applicant argues that none of the references teaches the new feature of the amended claim 16.

The examiner contends that the combination of Forderer et al. and Dorner et al. disclose the invention of the amended claim 16 as shown above in the new rejection necessitated by the amendment.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathaniel C. Chukwurah whose telephone number is (571) 272-4457. The examiner can normally be reached on M-F 6:00AM-2:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NC

August 4, 2006.



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